

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32357 of 2021

Arising Out of PS. Case No.-435 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

SUNIL SAHANI Son of Murendra Sahni Resident of Village- Machhahan,
P.S.- Mufassil Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.
For the Opposite Party/s : Mr.H.A. Khan, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-01-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in
connection with Muffasil Motihari P.S. Case No.435 of 2020,
registered for the offence punishable under Section 414/34 of
the IPC and section 25(1-b)a/ 26/ 35 of the Arms Act.

The prosecution case in short is that the police
apprehended two accused persons coming from Pakaridayal side
but seeing the police, the petitioner and one other accused



person fled from the spot. It is alleged that on search of the apprehended co-accused, one loaded country made pistol and one live cartridge were recovered and he disclosed the name of petitioner and other accused, who fled from the spot. On his disclosure, search was made in the house of Sudhir Sahani, from where, two live cartridges were recovered. Sudhir Sahani and the petitioner were found absconding from their houses.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence as alleged has ever taken place. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. The name of petitioner transpired in this case on the confessional statement of the co-accused. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event



of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Muffasil Motihari P.S. Case No.435 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, learned Court below is directed to verify the criminal antecedent of the petitioner before accepting the bail bonds.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

